

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action of February 18, 2009.

Claims 1-17 are pending in the Application. All claims were rejected in the Office Action. Applicant amends Claims 1-17 and respectfully requests a reconsideration of the rejections.

Claims 3 and 11 were rejected in the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant corrected language of Claims 3 and 11 and respectfully submits that these claims are now in compliance with the requirements of 35 U.S.C. 112, second paragraph. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 5-10 and 12-17 were rejected in the Office Action under 35 U.S.C. 102(b) as being anticipated by Laycock (U.S. Patent No. 6,682,403).

Independent Claim 1, as amended, recites a workpiece holding device which includes a support 18, a workpiece spindle headstock 20 and a tailstock 23. See, Application, Fig. 1. The support has a first surface 27, a second surface 28 inclined with respect to the first surface and a third surface (i.e., surface opposite to surface 27) which is inclined with respect to surface 28. As shown in Fig. 3, the headstock is mounted on the first surface of the support, and the tailstock is movably mounted on the second surface of the support such that the mounting surface of the tailstock (i.e., the surface positioned on the second surface 28) is inclined with respect to the mounting surface of the headstock (i.e., the surface positioned on the top surface 27) while the portion of the tailstock supporting the workpiece (e.g., the counterpoint 25) is aligned with the corresponding portion of the headstock (e.g., the holding means 21). Further, as explained in the specification, the tailstock may be movably mounted on the third surface of the support such that the mounting surface of the tailstock is opposite to the mounting surface of the headstock, while the portion of the tailstock supporting the workpiece is aligned with the corresponding portion of the headstock. See, Specification, page 7, lines 16-20. As explained in the specification, the claimed structure of the workpiece holding device allows the tailstock to move along the support without colliding with any other device (e.g., the measuring device 29) positioned on the top surface of the support. See, Specification, page 7, lines 20-25.

Contrary to the recitations of Claim 1, Laycock discloses a machine tool where the headstock 12 and tailstock 14 are mounted on two parallel top surfaces of the support 16. See, Laycock, Fig. 1. Thus, when workpiece securing portions of the headstock and tailstock are aligned, the mounting surface of the tailstock 14 is not inclined or opposite with respect to the mounting surface of the headstock 12. Further, if an additional device (e.g., a measuring device) is positioned on the top surface of the support 16, it will interfere with the movement of the tailstock along guides 18. Therefore, the limitations of Claim 1 requiring that the side surface of the support is inclined or opposite with respect to the top surface of the support and that the second mounting surface is inclined or opposite “with respect to the first mounting surface while the second workpiece supporting portion is aligned with the first workpiece supporting portion” are not disclosed or even suggested in Laycock. Accordingly, Claim 1 is allowable over the cited prior art.

Claims 2, 5-10 and 12-17 depend from Claim 1. Therefore, Claims 2, 5-10 and 12-17 are allowable over the prior art of record at least for the same reasons as Claim 1 and further on their own merits.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Laycock in view of Maples (U.S. Patent No. 4,627,168). Maples does not remedy the above deficiency of Laycock. Therefore, Claim 3 is allowable over the prior art of record at least for the same reasons as Claim 1 and further on its own merits.

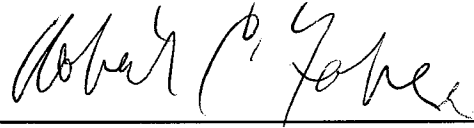
Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Laycock in view of Ilel et al (U.S. Patent No. 5,335,454). Ilel does not remedy the above deficiency of Laycock. Therefore, Claim 4 is allowable over the prior art of record at least for the same reasons as Claim 1 and further on its own merits.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Laycock in view of Scheder et al (U.S. Patent No. 4,802,311). Scheder does not remedy the above deficiency of Laycock. Therefore, Claim 11 is allowable over the prior art of record at least for the same reasons as Claim 1 and further on its own merits.

Favorable reconsideration of the rejections and allowance of all pending claims is respectfully requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON May 14, 2009..

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert C. Faber", written over a horizontal line.

Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700